
AOC NEWSLETTER

Volume I, Edition III

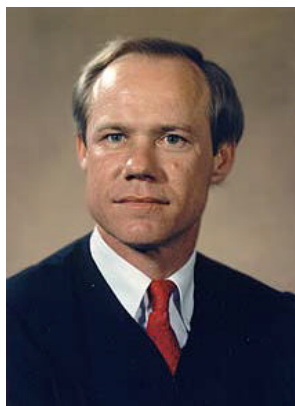
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Autumn 1998

Welcome

LAMBERT

CHIEF JUSTICE JOSEPH E.



On October 5, 1998, Justice Joseph E. Lambert of Mt. Vernon, Kentucky, was sworn in as Chief Justice of the Supreme Court of Kentucky. Lambert becomes the fourth head of the State's highest court since the passage of the constitutional amendment that established Kentucky's unified Court of Justice. Chief Justice Lambert was elected by his colleagues on the Court for a four year term and succeeds Robert F. Stephens as the executive head of Kentucky's unified court system.

Lambert, age 50, of Mt. Vernon, has served on the high court since 1987 and has served as chairman of several Supreme Court committees. He served as Deputy Chief Justice and is the current chair of the Judicial Form Retirement System. A graduate of Georgetown College and the University of Louisville School of Law, Lambert was on the staff of United States Senator John Sherman Cooper and was a law clerk for United States District Judge Rhodes Bratcher. Prior to being elected to the Supreme Court, he practiced law for twelve years.

The investiture ceremony in the Courtroom of the Supreme Court included addresses by Governor Paul E. Patton, House Speaker Jody Richards and Representative Danny Ford. The several hundred guests assembled also heard remarks by Hon. Jim W. Nealy, President of the Circuit Clerks Association, and Hon. Richard H. C. Clay, President of the Kentucky Bar Association.

Following the motion for investiture by Hon. James W. Lambert, father of Chief Justice Lambert, an attorney and former state representative, the members of the Supreme Court made their remarks regarding the investiture of Kentucky's new Chief Justice. Hon. Robert F. Stephens administered the oath of office to Chief Justice Lambert, as his wife, Debra Hembree Lambert held the family Bible, and sons Joseph and John looked on.

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Chief Justice Lambert's remarks began with thanks to his colleagues and reflections upon the history of Kentucky's unified court system:

"In the early 1970's, a group of farsighted Kentucky lawyers, judges, and civic leaders saw the need to reform Kentucky's court system. Just a decade earlier, there had been an effort to overhaul the Constitution of Kentucky, and that effort

had met with defeat at the hands of Kentucky voters. In that climate, it took courage to undertake reform of so basic an institution as the Court of Justice. Nevertheless, those thoughtful and courageous persons produced a series of constitutional amendments that were adopted by the General Assembly and ultimately ratified by the people of Kentucky.

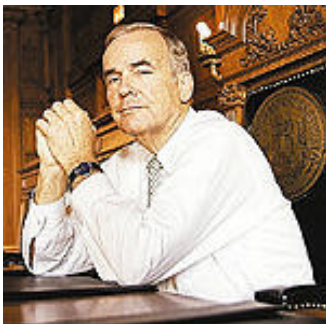
Known as the Judicial Article, these constitutional amendments became effective on January 1, 1976, and since that date, the Kentucky Court of Justice became one of this nation's finest court systems."

He commented upon the strong leadership of his predecessor, Robert F. Stephens: "With the help of Kentucky judges and Court personnel and with strong backing from the General Assembly and our Governors, Chief Justice Stephens moved aggressively to create many new programs, establish an efficient administrative organization, and streamline the operation of the court system. Without fear of contradiction, I say to you that Robert F. Stephens is the principle architect of the modern Kentucky Court of Justice. He is Kentucky's John Marshall."

Chief Justice Lambert indicated his strong support for programs currently administered by the Court of Justice - pretrial services program, court designated worker program, foster care review boards and law related education programs, and he expressed his commitment to enhance court performance by cutting delay and expense. He voiced support for the work of trial judges - on the front lines of the court system - and vowed to seek better funding at the trial court level for adequate space, equipment, and pay for deputy clerks and judges.

Chief Justice Lambert announced that he will make enhancement of public trust and confidence in the judiciary a major focus of his term as Chief Justice. He stated: "It is widely believed that the best way to combat poor public perception is to improve performance and communicate more effectively with the public. As far as I can tell, every reasonable effort, consistent with the reality of limited resources, is being made to improve the performance of Kentucky courts. That leaves education and communication with the public as our primary weapons against diminished confidence. While public outreach does not come easily to many judges and lawyers, we should be willing to speak, teach and participate in public education endeavors on legal topics. I am now planning to propose a modification in the requirements for continuing legal and judicial education in Kentucky. The proposal I plan to make to the Supreme Court and to the Bar Association is to permit lawyers and judges to satisfy a part of their annual continuing education requirement by teaching, speaking or lecturing on law and court-related topics in schools, clubs, organizations, or wherever there would be a reasonable opportunity for public education. We need to spend more time educating our children and our fellow citizens about the institutions that protect freedom and our way of life.

Finally, to the greatest extent possible, we must involve the public in the operations and services of our court. We should encourage the participation of lay persons in the judicial process by means of their services on boards and commissions such as is now the case with judicial nominating commissions, attorney and judicial disciplinary boards and commissions, and in other areas where membership in the bar is not essential. We should endeavor to elevate respect for the role of jury service."



THE LEGACY OF RETIRING JUSTICE STEPHENS

Adapted from an article by Bill Estep
Staff Writer, *Lexington Herald-Leader*

Robert F. Stephens, 71, is a native of Covington. He settled in Lexington after spending a year in the Navy. He attended law school at the

University of Kentucky, graduating in 1951. Stephens made his first run for office in Fayette county in 1969 and was elected county judge. In his first term, with rapid growth causing development and other problems, a proposal surfaced to merge city and county governments. It had never been done in Kentucky. But city and county leaders thought one government would be more efficient. They all agreed to support the measure, then set about selling it to the public, said Lexington lawyer H. Foster Pettit, who was mayor at the time. Voters approved the merger in 1973. The county judge had no executive authority in the new urban-county government. "Bob Stephens deserves enormous credit" for helping pass a plan that has shaped the city and county for the better, Pettit said. In 1975, Stephens moved onto the statewide stage, winning a race for attorney general.

The same year Stephens was elected attorney general, Kentucky voters approved a sweeping reform of the state's court system. One thing it created was a new Supreme Court. When the late Scott Reed of Lexington, the first chief justice, won appointment to the federal bench in late 1979, then-Governor Julian Carroll appointed Stephens to the state high court. Later, with the backing of then-Chief Justice John S. Palmore, Stephens was elected chief justice in October 1982. The first chief, Reed, was an intellectual and a legal scholar. Palmore, the second, was a dominating figure on the court. What the court needed in 1982 was money, and Palmore said he backed Stephens because he had the brains, administrative skill and political ability to get it. "He was the right man at the right place at the right time," Palmore said. "Bob Stephens is a great diplomat."

Judges and lawyers across Kentucky agree that Stephens' greatest achievement has been his work to build the court system. Stephens worked to add judges and get raises for judges, as well as hundreds of millions of dollars for courthouse renovation and construction projects. The system's budget nearly tripled during Stephens' tenure, from \$55 million in 1982 to \$153 million. He backed studies of sex and race bias in the courts and won approval for new programs such as special juvenile workers. The system grew by 600 employees in his term. The court system added better computerized record-keeping and case-tracking. Stephens pushed the idea of installing video cameras in courtrooms to make official court records available on video as a way to cut costs and speed up appeals. Stephens and the state were subsequently honored nationally as leaders in video courtroom technology. Cameras are now used in 84 circuit and 24 district courtrooms. Stephens promoted the idea of special courts to deal with family issues like divorce. The 1998 legislature approved nine such courts across the state. The court system is a much better because of Stephens' work, said Lexington lawyer Harry Miller, who hired Stephens in his firm in 1958 and has practiced for 50 years. "I think he's just done an outstanding job," Miller said.

Stephens said he hasn't decided what to do when he leaves the court. He'd like to spend more time with his five grandchildren, and to work for charities such as the Salvation Army. He would also like to do civil mediation work, and write newspaper columns on public issues.



JUDGE NOBLE RECEIVES ROBERT STRAUS AWARD FOR EXCELLENCE

Fayette
County's Chief
Circuit Judge
Mary Noble

was honored at a banquet dinner
on July 28, 1998, at the 25th
Annual Kentucky School of
Alcohol and Drug Studies. The

week long workshop is
sponsored by the Cabinet for
Health Services, the Department
of Mental Health and Mental

Retardation Services, the Division of Substance Abuse, and the Prevention Research Institute, Inc. This is the first time in the history of the award that a judge has been named a Robert Straus recipient for Advocacy and Volunteerism. The award is named after Straus, a retired University of Kentucky professor, internationally known as an authority on alcohol and drug abuse, and an author and former member of two presidential alcohol and drug abuse advisory councils.

Mike Townsend, Director of the Division of Substance Abuse, presented the award to Judge Noble. Her contributions toward treatment and prevention of substance abuse, through her work as a drug court judge in the Administrative Office of the Courts' Drug Court, were acknowledged through this most prestigious award.

Among her many accomplishments, Judge Noble has served on the Gender Fairness in the Courts Committee, the Supreme Court Civil Rules Committee, the Executive Committee of the Circuit Judge's Association, the Attorney General's Task Force on Prescription Drug Abuse, the Committee for a Collaborative Approach to Substance Abuse, the Juvenile Justice Advisory Board, and as Chief Judge of the Fayette Circuit Court she chairs the local crime commission.

Most notable, perhaps, is Judge Noble's judicial activism shown through her championing of innovative programs to deal with drug abuse. She believes strongly that felony-level nonviolent substance abusing offenders should have the opportunity to participate in treatment programs as an alternative to prison. Judge Noble attended national meetings on drug courts, observed treatment at Hazelden, and visited community treatment programs in order to gain an understanding of how treatment for chemical dependency, coupled with direct judicial involvement with clients through drug court, could help change the lives of the offenders over whom she had jurisdiction.

Following the Hazelden model, a performance-based program with measurable objectives and accountability, Judge Noble added daily journal writing, book reports, exercising, performing good deeds, and mentoring to the Fayette Drug Court program. She also developed a range of graduated sanctions for noncompliance with program rules.

Judge Noble has tremendous intuitive skills. She establishes a great rapport with her drug court participants; yet, she maintains consistency, firmness, and fairness. She encourages people in the program to be their very best. Judge Noble is in drug

court every week to provide the structure which is basic to maintaining a successful program.

There are now two additional Drug Court sections in Fayette Circuit Court and one new District Court section. Judge Noble continues to assist judges from across the state who are interested in establishing drug courts in their jurisdictions. She recently attended the 4th annual National Association of Drug Court Professionals (NADCP) training conference in Washington, D.C. where she, program volunteer Neal Vaughan, and AOC Drug Court Manager Lisa Minton, met with Congressman Hal Rogers regarding national funding for Drug Courts. The following week, NADCP announced that the House of Representatives and Senate Subcommittees on Commerce, Justice, State and Judiciary Appropriations, which is chaired by Rogers, voted to increase drug court funding to \$40 million.

The recognition given Judge Noble through the Robert Straus Award for Advocacy and Volunteer Work is an example of how positive judicial activism can affect other disciplines as well.

CONGRATULATIONS, JUDGE NOBLE.

DRUG COURTS



Drug Courts offer an alternative to traditional case processing for nonviolent drug offenders. Incarceration of individuals for their drug abusing lifestyles only removes them from their environments for short periods of time. Without providing treatment, education, and life skills training, they return to the same destructive cycle. In 1997, Kentucky's institutions housed 12,705 inmates at an average cost of \$14,433 per person annually; Drug Courts provide meaningful services for about 10% of the cost of incarceration.

Drug Courts include the following key components:

- mandatory alcohol and drug treatment (includes evening and weekend sessions)
- team approach with prosecutors and defense attorneys working to protect the participant's rights and promote public safety in a nonadversarial manner
- participants assessed and screened earlier so

- treatment can begin sooner
- continuum of alcohol, drug, and other treatment/rehabilitation services
- frequent and random alcohol and other drug testing
- coordinated strategy addressing rewards for compliance and punitive sanctions for noncompliance
- participants meet with the judge weekly in Phase I, bi-weekly in Phase II, and every month in Phase III
- ongoing program evaluations and the collections of monthly and quarterly statistics
- continuing state, local, and national training for the drug court team and staff
- develop partnerships with other public agencies to generate local support and enhance drug court's effectiveness

Drug Courts offer participants a chance to make a change in their lives and return as productive members of the community. The program takes one to two years to complete. The three-phase approach begins with detoxification and ends with a new sense of self and drug free living. Participants come to the program through diversion recommendation or probation referral based on current charges,

prior criminal history and background information.

When approved for entry into the program, Drug Court staff work with the participants to develop Individualized Program Plans. The plans outline specific responsibilities and goals with timetables. The plans may include group, family, and individual counseling; frequent and random drug testing; educational and vocational training; and health and community activities. The program is performance-based with measurable expectations and accountability.

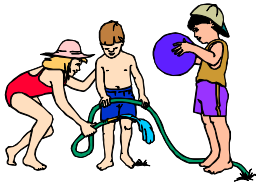
Although the judge reviews written reports from the drug court staff, participants report directly to the judge in court, explaining successes and failures. The drug court judge rewards progress and sanctions noncompliance. The successful participant who entered through diversion may have their sentence set aside and record expunged. The successful participant who entered through probation may be conditionally discharged by the drug court judge.

DRUG COURT HISTORY...

On July 1, 1996, the Administrative Office of the Courts received funding through the Kentucky General Assembly to establish Drug Courts. Five Drug Court sites are administered through the AOC

by Director Paul F. Isaacs in conjunction with local drug court committees and judges. The committees include local court personnel and key community representatives who work to meet the needs of the community and participants.

The state appropriation is used as a 25% cash match to apply for grant monies. The Kentucky Justice Cabinet recently approved \$690,166 for FY 98-99 under the provisions of the Narcotics Control Assistance Program to fund a Regional Drug Court. Current drug court sites include: Jefferson, Fayette, Warren, Kenton, and Campbell counties.



WHO'S WHO IN FAMILY COURT -

Governor Paul Patton's signature on House Bill 544 has created nine new family court projects in Kentucky, with at least one family court in each of the state's Supreme Court districts. Courts in the first three Supreme Court districts are expected to be in operation by November 1998; they include Pike county, Warren county, and one for Boone and Gallatin

counties. The remaining six family courts are slated for implementation in September of 1999. The Chief Family Court Judges have been appointed in the first three counties, and some of their support staff has been hired. The following is a list of judges and their staff to date that will implement the first of these family courts, and the AOC personnel that will assist and advise them in accomplishing their task.

Boone and Gallatin Counties...

CHIEF FAMILY COURT JUDGE - Linda Bramlage was appointed Chief Family Court Judge by Governor Patton on August 25, 1998. Judge Bramlage received her undergraduate degree from Northern Kentucky University, and her law degree from Salmon P. Chase College of Law. After receiving her law degree, Judge Bramlage practiced law in a general private practice law firm.

Judge Bramlage concentrated her law practice in the areas of bankruptcy, criminal law and family law, but the majority of her time was spent practicing family law.

ADMINISTRATOR - Kimberly J. Adams is the Family Court Administrator for the 54th Judicial Circuit, which encompasses Boone and Gallatin counties in Northern Kentucky. Kim earned a Bachelor of Arts in Communications from Northern Kentucky University in 1982 and

a Juris Doctor from Salmon P. Chase College of Law in 1985. She spent the first eight years of her legal career in private practice concentrating in family law and civil litigation. She then spent four years as a legal writer and editor. For the past year she has worked as Staff Attorney to Judge F. Bamberger of the 54th Judicial Circuit. Kim is also an Adjunct Professor with the College of Business at Northern Kentucky University.

Pike County...

CHIEF FAMILY COURT JUDGE - Kathy Burke was appointed Chief Family Court Judge by Governor Patton on August 25, 1998. Judge Burke received her law degree from the University of Louisville Law School. After receiving her law degree, Judge Burke served as law clerk to Justice James B. Stephenson on the Supreme Court of Kentucky. She began a general private practice, concentrating on domestic relations, probate and property cases at her law firm. As an attorney, Judge Burke served as Guardian Ad Litem in dependency, abuse, and neglect cases, as well as disability cases. In 1991, she began serving as Special Domestic Relations Commissioner. Judge Burke has been active in working to bring Family Courts to her community and Kentucky. She served on the Supreme Court Task Force for Formation of Family Courts in Kentucky, and

as Co-Chair for the Committee for Formation of Family Court in Pike County.

ADMINISTRATOR - Glenda Lyons is the Family Court Administrator in Pike county. Glenda was previously employed in Pike county as a Court Designated Worker since June 12, 1988. Glenda has been involved in many programs throughout her community that help families and their children, such as Teen Court, CASA, AIDS Hotline Volunteer, and Chairperson for the Mullin Family Resource and Youth Service Center. To help prepare her for her new position, Glenda has been taking continuing education courses at Pikeville Community College in subjects such as computer use and public speaking.

Warren County...

CHIEF FAMILY COURT JUDGE - Margaret Ryan Huddleston was appointed Chief Family Court Judge by Governor Patton on September 3, 1998. Judge Huddleston received her law degree from Salmon P. Chase College of Law in Northern Kentucky. Judge Huddleston practiced law in Northern Kentucky in private practice for three years, and then transferred to Bowling Green where she practiced prior to her appointment. In her legal career, Judge Huddleston represented indigent clients primarily in the field of domestic

relations in many of the jurisdictions that will be included in Family Court. Judge Huddleston has served on family betterment organizations in her community such as: the O.K.L.S.P. Family Law Task Force, Family Self-Sufficiency Program Coordinating Committee (Housing), Barren River Long Term Care, and the Association for Children for Enforcement of Support.

Administrative Office of the Courts...

Carla Kreitman is the Statewide Family Court Coordinator. She comes to this position with over five years experience with the Jefferson Family Court Project. Carla earned her degree in Business Administration from Bellarmine College, and remained there to work towards an M.B.A. She graduated from the University of Louisville School of Law in 1991. Carla served as General Counsel to the Jefferson Family Court Project and as a Trial Commissioner to the Jefferson District Courts. As a member of the National Council of Juvenile and Family Court Judges, she has researched the growth of family courts across the nation and is eager to facilitate the development of our nine new family court pilots.

Jennifer VanHoose, a Field Coordinator with the Court-Community Relations Program at AOC, will be working with the

family court staff in implementing the nine family court pilot sites. Among her duties will be developing training curriculum and program implementation. Jennifer earned an AA in Paralegal Studies from Midway College and a BA from Kentucky State University In Criminal Justice. She has been with the AOC for six years and looks forward to this new challenge.

Brenda Bingham is the secretary to the Family Court Department. She previously worked as an Administrative Assistant in the AOC Director's Office. Prior to her employment at the AOC, Brenda owned and operated a grocery store in South Carolina. Her responsibilities there included bookkeeping, purchasing, personnel management, and customer service. Brenda looks forward to growing professionally with the program, and becoming an integral part of family court.

STATISTICALLY SPEAKING!

With all the recent media coverage of juvenile violence across the nation and intense scrutiny of juveniles in general, it is only appropriate to look at the numbers behind the hype.

The figures represented below are for the Commonwealth of Kentucky **only**.



Overall juvenile crime has actually declined over the last five years. Juvenile crime peaked in the Fiscal Year 1995, with a total of 60,608 total case

filings.¹ In FY96 overall case filings dropped 4.9%, in FY97 there was a 2.7% decline, and in FY98 there was a 3.9% decrease.²

Although juvenile crime has dropped overall, there are still many concerns with some specific offenses. For instance, the following offenses have been consistently high over the last five fiscal years.

Table 1:

Offense Year ³	Avg Cases Per
Assault	1805.4
Burglary	2068.4
Crim. Mischief	2686.8
Drug Poss.	880.6
Theft	4599.4

The above charges listed in Table 1 include all levels of the offense.

For more information, please contact Bonnie Pritchett Embry, Manager, Division of Research and Statistics, Dorothy Scott,

Data Entry/Editor, Zelena Brown, Administrative Specialist, or John Dobson, Administrative Specialist at AOC.

1. As reported in INS016, which includes Jefferson county totals.
2. Figures are rounded.
3. As reported in R/S 097, which **does not** include Jefferson county.

DID YOU KNOW?



Submitted by Jean Collier
Senior Staff Attorney
State Law Library

When an individual is stopped by a police officer on suspicion of driving drunk, if he refuses the police officer's blood alcohol test, he has no right to a second test at his own expense.

At the present time, it is unclear whether check cashing companies may use Small Claims Courts. Some district judges in Kentucky believe that KRS 368.100(2), with its definition of service fee, permits deferred deposit companies to use Small Claims Courts. Others disagree. The question will have to be resolved by a Kentucky appellate court.

Q: If a person is married to a felon, may the spouse of the felon carry a concealed weapon?
A: The spouse stands in the same shoes as any other citizen.

The fact that he or she is married to a felon does not limit the spouse's right to carry a gun. However, doing so does place the felon, and the spouse, at risk. If a question were ever to arise, a jury could conclude that the gun in fact belonged not to the spouse, but to the felon, and that the spouse had procured the gun for the felon. If that was determined to be the case, both the spouse and the felon would be guilty of a crime.

In Kentucky, "love and affection" is sufficient consideration to support a contract between a parent and a child.

As a general rule, the display of personal religious material in a private office is protected even though the office is located in a public building.

Q&A ABOUT THE KENTUCKY EMPLOYEE ASSISTANCE PROGRAM (KEAP)

WHAT?

You have an employee assistance program. KEAP is a **FREE, CONFIDENTIAL** program designed to help you deal with problems that affect your job performance, your personal life, and your general well-being. These problems may be emotional, financial, marital/

family, or substance abuse. This program is one of your employee benefits. The services are also extended to your family members at no cost.

WHY?

We all need help at some point in our lives. KEAP can help employees lead more productive, personal, and professional lives. Through helping employees, KEAP can reduce absenteeism, tardiness, accidents, and health insurance costs.

WHO?

Your KEAP professionals are state employees who are trained in assessment and referral. KEAP professionals can help you identify any issues which may be interfering with your job and/or your life. Your KEAP professional will assist you in finding the most qualified people to help you with your problem.

HOW?

You may obtain services from KEAP in two ways:

If you have a personal problem you may call KEAP or make an appointment to come in. In the case of a self-referral no one will know that you've contacted KEAP.

When an employee's job performance is deteriorating, a supervisor may refer an employee to KEAP. Even in this situation, the supervisor will

not be told specifics about the problem. That remains confidential, between you and your KEAP representative.

WHEN?

KEAP maintains regular state office hours. Evening hours are available upon request, or you can make appointments during your lunch hour if you wish.

WHERE?

Department of Personnel -
(502) 564-5788, or in Kentucky -
(800) 445-KEAP.



In
Mem
ory
Of

W i l l i a m
F . N a v e

Mr. Nave died September 3, 1998 of complications from a brain aneurysm. He was 74.

Bill was active in the theater and music most of his life. His last public performance was singing for former Chief Justice Stephens at the National Conference of Chief Justices held in Lexington in August.

Bill worked at AOC for eleven years and was the General Manager for Budget & Policy Review and for the Operations Center.

At AOC, he was known for being nice and fair to all of his employees. Everyone at AOC knew when Bill was coming down the hallway because he was either singing or whistling.

Mr. Nave will be greatly missed.



ANNOUNCEMENTS

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Joseph E. Lambert was sworn in on October 5, 1998, as new Chief Justice of the Supreme Court.

Juvenile Services recently received a national award from the Juvenile Justice Trainer's Association for their outstanding contribution to the field of juvenile justice training.

Kim Ginter Lawson, Pretrial Services, was married on June 27, 1998.

Michael Pack, Education Services, was married on August 29, 1998.

Amy Smitha, Facilities, gave birth to her second daughter, Taylor McKenzie on August 31, 1998.

Kim Redmon, Juvenile Services, gave birth to her first child, Sydney Claire, on October 25, 1998.

*If you have any announcements or articles which you would like to place in the next edition of the AOC Newsletter, please send them to **Christopher Cecil** by January 15, 1999.*

The AOC Newsletter is compiled by:

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